

RULE 144.1

APPOINTMENT OF COUNSEL IN NON-CAPITAL CASES

(a) Right to Court-Appointed Counsel Generally

Pursuant to Fed. R. Crim. P. 44(a), every indigent defendant shall be entitled to have counsel assigned to represent him or her at every stage of the proceedings from initial appearance before a Magistrate Judge or the district court through appeal, including ancillary matters appropriate to the proceedings, unless the defendant waives such appointment and the Court consents, after proper inquiry. Appointments shall be made pursuant to Volume 7 of the “Guide to Judiciary Policies and Procedures” as approved by the Judicial Conference of the United States.

(b) Reimbursement by Defendant of CJA Fees and Expenses

If, at any time after the Court has appointed counsel, a defendant retains counsel or it comes to the Court’s attention that the defendant is able to retain counsel, the Court may authorize or direct payment or reimbursement of any Criminal Justice Act appropriation, incurred or outstanding at the time, in order to carry out the provisions of this rule. Payment or reimbursement may be ordered to include attorney’s fees, expert, investigative, or any other service provided by appointed counsel.

(c) Filing of Vouchers for Fees and Expenses; Statutory Limits

Counsel appointed under the CJA shall file their completed voucher for fees and expenses as soon as possible upon completion of services rendered but no later than sixty (60) days from the date of entry of judgment. Any request for extension of time shall be filed within the 60 days provided by this rule.

If the amounts claimed as fees and expenses exceeds the statutory limit, counsel shall file a motion requesting approval of the excess amount setting forth the reasons why such excess amount is justified.

(d) Reduction of CJA Compensation Vouchers

Where the Court approves an amount for payment in a Criminal Justice Act voucher that substantially reduces from the amount requested, the Court may allow counsel to produce an explanation or additional papers in support of the amounts rejected.